

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

EPTA AMERICA, LLC

Plaintiff,

V.

AMERICAN CASUALTY COMPANY  
OF READING, PA, CONTINENTAL  
CASUALTY COMPANY AND CNA  
FINANCIAL CORPORATION

Defendants.

[illegible]

Civil Action No.

## NOTICE OF REMOVAL

Defendants, American Casualty Company of Reading, Pennsylvania (“American Casualty”) and Continental Casualty Company (“CCC”), by and through their undersigned counsel, file this Notice of Removal to remove the above-captioned action, currently pending in the Superior Court of New Jersey, Law Division, Bergen County, and in support thereof aver as follows:

1. On December 6, 2018, Plaintiff, EPTA America, LLC (“Plaintiff”), commenced this action by filing a Complaint in the Superior Court of New Jersey, Law Division, Bergen County, Docket No. BER-C-327-18. A copy of the Complaint is attached as Exhibit A.

2. On December 11, 2018, Plaintiff forwarded a copy of the Complaint to counsel for American Casualty and CCC by email and requested that counsel

accept service on behalf of American Casualty and CCC in exchange for Plaintiff's withdrawal of the Complaint against CNA Financial Corporation.

3. On January 2, 2019, American Casualty and CCC agreed to accept service of the Complaint and Plaintiff agreed to dismiss its claims against CNA Financial Corporation. A copy of the Acknowledgement of Service is attached as Exhibit B.

4. American Casualty is a corporation organized under the laws of the Commonwealth of Pennsylvania with its principal place of business in the State of Illinois.

5. CCC is a corporation organized under the laws of the State of Illinois with its principal place of business in Illinois.

6. Upon information and belief, Plaintiff is a citizen of the State of New Jersey. *See* Exhibit A.

7. This is an insurance coverage action that Plaintiff brought against American Casualty and CCC to determine the rights and obligations of the parties under American Casualty Policy No. B5085627212 and CCC Policy Nos. B5085627212 and B5085627307, in connection with Plaintiff's demand for insurance coverage for a cross-claim filed in the matter styled *EPTA America LLC v. Adil Abdul Aziz Alhouran d/b/a Modern Innovations USA, et al*, Case No. 30-2017-00939685 (California Superior Court, County of Orange).

8. The matter in controversy herein exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, being a civil action alleging claims for declaratory relief and bad faith, and seeking coverage up to the policy limits, as well as punitive damages and counsel fees.

9. This Notice of Removal is being filed pursuant to 28 U.S.C. § 1441(a), which provides for removal of “any civil action brought in a state court of which the district courts of the United States have original jurisdiction.” 28 U.S.C. § 1441(a).

10. Pursuant to 28 U.S.C. § 1332(a)(1), the district courts have original jurisdiction over this civil action because the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

11. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), within thirty (30) days of service of the Complaint in the State Action. The Complaint was filed on December 6, 2018. Counsel for American Casualty and CCC received a copy of the Complaint by email on December 11, 2018 with a request to accept service. American Casualty and CCC accepted service of the Complaint on January 2, 2019.

12. A copy of this Notice of Removal is being filed with the Clerk of Courts, Bergen County, and is being served upon Plaintiff pursuant to 28 U.S.C. §

1446(d). A copy of the Notice to the Clerk of Courts is attached hereto as Exhibit C.

13. This is the proper district for removal pursuant to 28 U.S.C. §§ 118(a) and 1441(a) and (e)(1), in that the District of New Jersey encompasses Bergen County and is “the district and division embracing the place where such action is pending.”

14. Neither American Casualty nor CCC have filed any responsive pleadings to the Complaint. There are no other pleadings, orders or other filings in the State Action. *See* Exhibit D, Online Docket Entries for Docket No. BER-C-327-18.

15. For the reasons set forth above, the Court has original jurisdiction over this action under 28 U.S.C. §1332, and removal is appropriate under 28 U.S.C. §1441(a)(1).

Dated: January 10, 2019

Respectfully submitted,

CNA COVERAGE LITIGATION GROUP

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American Casualty Company of  
Reading, Pennsylvania and  
Continental Casualty Company*

**Pursuant to Local Rule 11.2, the undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding other than the pending state action that is the subject of this removal.**

s/ Melissa A. Cornibe  
Melissa A. Cornibe